

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL DIAMOND,

Plaintiffs,

vs.

**RIVERBEND APTS and
CHARGER PROPERTIES,**

Defendants.

2:23-CV-10005-TGB-CI

HON. TERRENCE G. BERG

HON. CURTIS IVY, JR.

**ORDER ADOPTING REPORT
AND RECOMMENDATION
(ECF NO. 119)**

This matter is before the Court on Magistrate Judge Curtis Ivy, Jr.'s December 6th, 2023 Report and Recommendation (ECF No. 119), recommending that the case be dismissed without prejudice under Fed. R. Civ. P. 4(m).

The Court has reviewed Judge Ivy's Report and Recommendation and finds that it is well-reasoned and supported by the applicable law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report ... to which objection is made." *Id.*

Where, as here, neither party has lodged objections to the report, the district court is not obligated to independently review the record. *See*

Thomas v. Arn, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept Judge Ivy's Report and Recommendation of December 6th, 2023 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Judge Ivy's Report and Recommendation of December 6th, 2023 (ECF No. 119) is **ACCEPTED** and **ADOPTED**.

It is **FURTHER ORDERED** that the case is **DISMISSED WITHOUT PREJUDICE**.

This is a final order that closes this case.

SO ORDERED this 16th day of January, 2024.

Dated: January 18, 2024

/s/Terrence G. Berg

HON. TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served via electronic and/or ordinary mail.

Dated: January 18, 2024

By: s/ Linda Vertriest
Case Manager

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge